

## **Article I     General Provisions**

### ***§ 190-1.        Title***

This chapter shall be known and may be cited as the "Talbot County Zoning, Subdivision, and Land Development Ordinance".

### ***§ 190-2.        Authority***

- A.     Talbot County is organized pursuant to Art. XI-A of the Maryland Constitution and derives its authority for planning, zoning, and subdivision from Article 25A §5, Maryland Annotated Code and certain provisions of Article 66B, Maryland Annotated Code.
- B.     The County's local Critical Area Program is adopted pursuant to Natural Resources Article §8-1801, et. seq., Maryland Annotated Code. The Code of Maryland Regulations, (COMAR) Title 27 "Critical Area Commission for the Chesapeake and Atlantic Coastal Bays," also applies to the Critical Area.

### ***§ 190-3.        Purpose***

- A.     Land use decisions

The Planning Commission and Planning Director shall consider and advance the purposes of this chapter when making land use and subdivision decisions.

- B.     General

The general purposes of this chapter are to:

- (1)     Protect and promote public health, safety, and welfare;
- (2)     Implement zoning and subdivision controls that govern land use, growth, and development in accordance with the duly adopted County Comprehensive Plan and Critical Area Plan;
- (3)     Preserve the County's existing rural character and quality of life;
- (4)     Protect the County's economic stability and local economy;
- (5)     Avoid undue concentration of population;
- (6)     Provide for adequate light, air, and privacy, and to secure safety from fire, flood and other danger;
- (7)     Protect and conserve the value of land, buildings, and improvements, and minimize conflicts among their differing uses;
- (8)     Secure the most beneficial relationship between uses of land and buildings and circulation of traffic, avoid congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and

buildings, and to provide for the proper location and width of streets and building lines;

- (9) Encourage orderly and beneficial development through appropriate growth management, including timing and sequencing of development and in-fill in areas with adequate public facilities;
- (10) Provide adequate and efficient roads, water, sewerage, drainage, schools, parks, playgrounds, recreation, and other public infrastructure and facilities;
- (11) Ensure that public infrastructure, facilities, and services are adequately planned, sized, and made available concurrently with new development;
- (12) Ensure that developers will bear the cost of providing the necessary infrastructure, facilities, and services caused by their development through exactions, fees, dedication, and mitigation of the effects of the development;
- (13) Conserve and encourage wise use and management of natural resources, safeguard groundwater, and prevent air and water pollution;
- (14) Protect environmentally sensitive areas;
- (15) Preserve agricultural lands;
- (16) Preserve the natural beauty and topography of the County and to ensure appropriate development with regard to these natural features;
- (17) Establish reasonable design standards and procedures for subdivision and property line revisions, and to ensure proper legal descriptions and monumenting of subdivided land;
- (18) Provide for open space and working lands through clustering development and efficient design and layout of subdivisions;
- (19) Prevent and resolve problems from inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and poorly designed subdivision;
- (20) Minimize conflicts between incompatible land uses by requiring separation and adequate buffers and screening;
- (21) Protect and conserve historically and archaeologically significant sites and structures.

C. Chesapeake Bay Critical Area

- (1) The purposes of this chapter for the Chesapeake Bay Critical Area are to:
  - (1) Protect water quality by reducing pollution;
  - (2) Conserve fish, wildlife, and plant habitats;
  - (3) Establish land use policies for development in the Critical Area which accommodate growth as well as address the environmental impacts that the number, movement, and activities of people may have on the area.

- (4) Promote the most environmentally sensitive plans and practices for development activities in shoreline areas;
  - (5) Conserve wetlands as natural marine nurseries, filters, and flood and for erosion control; and
  - (6) Restore, protect, and cultivate submerged aquatic vegetation beds.
- (2) The purposes of this chapter for areas designated as Resource Conservation Areas are to:
  - (1) Conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity and its diversity;
  - (2) Provide adequate breeding, feeding, and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitats in order to sustain populations of those species;
  - (3) Conserve the land and water resource base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities, and aquaculture; and
  - (4) Conserve existing developed woodlands and forest for the water quality benefits that they provide.
- (3) The purposes of this chapter for areas designated as Limited Development Areas are to:
  - (1) Maintain or, if possible, improve the quality of runoff and groundwater entering the Chesapeake Bay and its tributaries;
  - (2) Maintain, to the extent practical, existing areas of natural habitat; and
  - (3) Accommodate additional low- or moderate-intensity development if the development conforms to the water quality and habitat protection criteria.
- (4) The purposes of this chapter for areas designated as Intensely Developed Areas are to:
  - (1) Improve the quality of runoff from developed areas that enters the Chesapeake Bay or its tributary streams;
  - (2) Accommodate additional development, provided that the water quality is not impaired;
  - (3) Minimize the expansion of Intensely Developed Areas into portions of the Critical Area designated as Habitat Protection Areas and Resource Conservation Areas by the Critical Area program.
  - (4) Conserve and enhance fish, wildlife, and plant habitats to the extent possible; and
  - (5) Encourage the use of retrofitting measures to address existing stormwater management problems.

***§ 190-4. Applicability***

**A. Jurisdiction**

This chapter applies to all lands, submerged lands, waters, and islands within the unincorporated areas of Talbot County.

**B. Prior ordinances**

All previously enacted zoning ordinances and subdivision ordinances are hereby repealed.

**C. Minimum requirements**

This chapter establishes minimum requirements that apply in addition to conditions, restrictions, or limitations imposed by the Planning Director, Planning Commission, or Board of Appeals on any approval, plat, or permit, and in addition to other requirements of this Code, or other laws, rules, or regulations.

***§ 190-5. Other laws***

**A. Conflicts**

- (1) Whenever any provision of this chapter conflicts with any other provision of law, rule, or regulation covering the same subject matter, whether set forth in this chapter or elsewhere, that provision which is more restrictive or imposes the higher standard or requirement shall govern.
- (2) If the provisions of this chapter are more restrictive or impose higher standards than an easement, covenant or other private agreement, the requirements of this chapter shall govern. If the provisions of an easement, covenant or other private agreement are more restrictive or impose higher standards than this chapter, the private agreement shall govern. The County will not be responsible for enforcing a private agreement.

**B. Amendments**

Whenever this chapter refers to a law, rule, or regulation that is later amended, re-enacted, or superseded, such reference shall be deemed to refer to the amended or re-enacted provision, or the one that most nearly corresponds to the superseded provision.

**C. Right to Farm law**

There is no recourse against the inherent effects of agricultural operations as permitted in this chapter and conducted in accordance with best management practices. These effects may include, but are not limited to, noise, odor, vibration, fumes, dust or glare. Chapter 128, Talbot County Code, "Right to Farm" protects agricultural operations on all agricultural land in the County.

***§ 190-6. Compliance required***

- A. New lots, parcels, uses, or structures that fail to comply with all requirements of this chapter are prohibited. No lot, parcel, use, or structure may be subdivided, revised, designed, constructed, created, altered, moved, approved, used, developed, or permitted without compliance with this chapter.
- B. A use not specifically allowed in this chapter is prohibited unless the Planning Director makes an interpretation that it is permitted pursuant to §190-16.
- C. No land may be subdivided through the use of any legal description other than a plat approved and recorded in the Talbot County land records in accordance with this chapter.
- D. No part of any lot or parcel shall be sold or transferred unless the part to be sold or transferred is first divided in accordance with this chapter.

*§ 190-7. Permits issued in error*

If a building or structure was constructed or reconstructed under a permit that is otherwise valid except for the failure to comply with the setback requirements, the County may not initiate an action or proceeding that arises out of a failure of the building or structure to comply with a setback requirement more than three years after the date on which the violation first occurred. For purposes of this subsection, the date on which the violation first occurred shall be deemed to be the date on which the final building inspection was approved.

*§ 190-8. Existing special exceptions and variances*

- A. General  
Special exceptions and variances approved by the Planning Director, Planning Commission, or Board of Appeals prior to adoption or amendment of this chapter may continue, subject to the terms, conditions or restrictions imposed on the approval and subject to the provisions of this chapter as enacted or amended.
- B. Conforming special exception uses and conferred special exceptions  
“Conforming special exception use(s)” and “conferred special exceptions” as those terms were used in the Talbot County Zoning Ordinance adopted November 24, 1974 are abolished. All such structures and uses, including those formerly classified as a “conforming special exception use” or a “conferred special exception” shall be classified under and governed by the provisions of this chapter as adopted or amended.

*§ 190-9. Zoning districts*

The following zoning districts are hereby established:

- A. Base districts (see Article II)  
*Rural Cluster Districts*
  - (1) Agricultural Conservation District (AC)
  - (2) Countryside Preservation District (CP)

- (3) Western Rural Conservation District (WRC)

*Residential, Village Center and other Rural Districts*

- (4) Rural Conservation District (RC)
- (5) Rural Residential District (RR)
- (6) Town Conservation District (TC)
- (7) Town Residential District (TR)
- (8) Village Center District (VC)

*Commercial and Industrial Districts*

- (9) Limited Commercial District (LC)
- (10) General Commercial District (GC)
- (11) Limited Industrial District (LI)

B. Floating and Overlay Districts (see Article IV)

- (1) Manufactured Home Development Floating District (MHD)
- (2) Affordable Housing Floating District (AH)
- (3) Historic District Overlay District (HD)
- (4) Historic Rehabilitation Overlay District (HR)
- (5) Gateway Overlay District (GD)
- (6) Easton Airport Overlay District (EA)
- (7) Buffer Management Area Overlay District (BMA)

***§ 190-10. Chesapeake Bay Critical Area***

A. Establishment

The Critical Area comprises lands and waters defined in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland. It includes:

- (1) All waters of, and lands under, the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps and all state and private tidal wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and
- (2) All land and water areas within 1,000 feet of the landward boundaries of state or private tidal wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland.
- (3) Modifications to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Critical Area Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

B. Critical Area land designations

- (1) In order to accommodate existing land uses and growth while conserving habitat and protecting water quality, the County has identified three land use management designations in the Critical Area: Resource Conservation Area (RCA), Limited Development Area (LDA), or Intensely Developed Area (IDA). The County determined, based on land uses and development in existence on December 1, 1985, which land areas fall within these land use management designations and applied appropriate zoning based on this determination.
- (2) The following list shows how the County's zoning districts within the Critical Area relate to these Critical Area designations. The acreage standards in the list shall mean the number of acres that are either contiguous or separated only by a road.
- (3) Critical Area designation by zoning district
  - Resource Conservation Area (RCA):*
    - Rural Conservation (RC)
  - Limited Development Area (LDA):*
    - Town Residential (TR)
    - Village Center (VC)
    - Rural Residential (RR)
    - Limited Commercial (LC) less than 20 acres
    - General Commercial (GC) less than 20 acres
    - Limited Industrial (LI) less than 20 acres
  - Intensely Developed Area (IDA):*
    - Limited Commercial (LC) 20 acres or more
    - General Commercial (GC) 20 acres or more
    - Limited Industrial (LI) 20 acres or more
- (4) The general purposes of these designations are:
  - (1) Intense development should be directed outside of the Critical Area. However, intense development activities when proposed in the Critical Area shall be directed towards the Intensely Developed Areas.
  - (2) Additional low intensity development may be permitted in the Limited Development Areas, but shall be subject to strict regulation to prevent adverse impacts on habitat and water quality.
  - (3) Development shall be limited in the Resource Conservation Area, which shall be chiefly designated for agriculture, forestry, fisheries activities, and other resource utilization activities and for habitat protection.

***§ 190-11. Zoning maps***

A. Establishment

- (1) The boundaries of zoning districts are shown on the Official Zoning Maps of Talbot County, which are hereby made a part of this chapter.
- (2) The Official Zoning Maps, together with amendments thereto, shall be kept by the Planning Director.

B. Determination by Planning Director

Upon written request from a property owner, the Planning Director shall issue a determination on the location of a zoning district boundary in accordance with the provisions of subsection C. below.

C. Interpretation of district boundaries

Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Maps, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of existing or proposed streets, highways, alleys, or waterways shall be construed as following such center lines.
- (2) Boundaries indicated as approximately following property lines or Election District boundary lines shall be construed as following such property lines or Election District boundary lines.
- (3) Boundaries indicated as following approximately the incorporated limits of municipalities shall be construed as following such incorporated limits.
- (4) Boundaries indicated as approximately following County boundary lines shall be construed as following such County boundary lines.
- (5) Wherever a district adjoins a river or other body of water, the zone boundary line shall be deemed to extend to the center line of such body of water.
- (6) Boundaries indicated as parallel to or extensions of features indicated in Subsections (1) through (5) above shall be so construed.
- (7) Where a boundary line is indicated as obviously not coinciding with property lines, center lines, municipal incorporation limits or other features as indicated in Subsections (1) through (6) above, the boundary shall be scaled from the Official Zoning Map.
- (8) For other circumstances not covered above, the Planning Director shall determine the zoning district boundary after considering the recommendation of the Planning Commission.

D. Parcels divided by district lines

- (1) Parcels that are divided by the Critical Area boundary and are partially in the Rural Conservation or Rural Residential zoning districts:
  - (1) If a smaller portion of a divided property is less than two acres in area, it is subject to the same zoning district as the larger portion.



- (2) If the smaller portion is two acres or larger, the parcel is subject to two zoning districts, the zoning district for the portion outside the Critical Area and the zoning district for the portion inside the Critical Area.
- (2) Parcels that are divided by the Critical Area boundary and are partially in any other district:
  - (1) If a smaller portion of a divided property is less than one acre in area, it is subject to the same zoning district as the larger portion.
  - (2) If the smaller portion is one acre or larger, the parcel is subject to two zoning districts, the zoning district for the portion outside the Critical Area and the zoning district for the portion inside the Critical Area.

***§ 190-12. Decision-making bodies and officials***

This section lists the decision making bodies and officials that have responsibility for implementing, administering and enforcing this chapter.

The table at the end of this Article summarizes the responsibilities of the various decision-making bodies and officials.

**A. County Council**

The County Council shall have the following powers and duties:

- (1) Adopt and amend the Talbot County Zoning, Subdivision and Land Development Ordinance. (See Article IX.)
- (2) Adopt and amend the official zoning maps. (See Article IX.)
- (3) Decide amendments to growth allocation district boundaries in the Critical Area. (See Article IX.)
- (4) Decide requests for growth allocation to expand specific uses in the RC District. (See Article IX.)
- (5) Decide requests for supplemental growth allocation by any incorporated municipality. (See Article IX.)
- (6) Decide applications for solid waste disposal sites and facilities. (See Article IX.)
- (7) Designate Historic Districts. (See Article IV.)

**B. Board of Appeals**

The Board of Appeals shall have the following powers and duties:

- (1) Decide applications for special exceptions. (See Article IX.)
- (2) Decide applications for variances from bulk requirements subject to variances. (See Article IX.)
- (3) Decide administrative appeals from a final order or decision as authorized in Chapter 20 of the Code. (See Article IX.)

- (4) Decide applications for variances to expand a nonconforming structure. (Article VII.)
- (5) Decide applications for expansion of nonconforming uses. (Article VII.)
- (6) Decide applications for reasonable accommodations for the benefit of disabled citizens. (See Article IX.)

C. Planning Commission

The Planning Commission shall have the following powers and duties:

- (1) Make recommendations to the Planning Director and the County Council relating to this chapter.
- (2) Make recommendations to the Planning Director, at his request, on interpretations of this chapter as they apply to specific cases or as necessary to establish general staff policy.
- (3) Decide applications for major site plans. (See Article IX.)
- (4) Decide applications for major subdivisions. (See Article X.)
- (5) Decide applications for waivers and extensions to certain subdivision or site plan requirements. (See Article IX.)
- (6) Make recommendations to the Planning Director on minor subdivisions and minor site plans upon the request of the Planning Director. (See Articles IX and X.)
- (7) Make recommendations to the Planning Director on certain minor variances and administrative variances. (See Article IX)
- (8) Make recommendations to the Planning Director on certain minor variances and administrative variances for expansion of nonconforming structures. (See Article VIII.)
- (9) Make recommendations to the Board of Appeals on expansion of nonconforming uses. (See Article VIII.)
- (10) Make recommendations to the Board of Appeals on special exceptions. (See Article IX.)
- (11) Make recommendations to the County Council on proposed amendments to the text of this chapter. (See Article IX.)
- (12) Make recommendations to the County Council on proposed amendments to the official zoning maps. (See Article IX.)
- (13) Make recommendations to the County Council on applications to amend growth allocation district boundaries in the Critical Area. (See Article IX.)
- (14) Make recommendations to the County Council on requests for growth allocation to expand specific uses in the RC District. (See Article IX.)
- (15) Make recommendations to the County Council on requests for supplemental growth allocation by incorporated municipalities. (See Article IX.)

- (16) Make recommendations to the County Council on applications for solid waste disposal sites. (See Article IX.)

D. Historic Preservation Commission

The Historic Preservation Commission shall have the following powers and duties:

- (1) Decide applications for the construction, alteration, reconstruction, moving or demolition of any structure within a designated historic district. (See Article IV.)
- (2) Make recommendations to the County Council on the establishment of Historic District Overlay Districts and Historic Rehabilitation Overlay Districts. (See Article IV.)
- (3) Provide comments to the Planning Director on site plans and subdivision plans affecting a historic resource identified in the Comprehensive Plan. (See Articles IV, IX, and X.)
- (4) Provide comments to the Planning Director on certain applications for wireless communication towers (See Article III.)

E. Planning Director

The Planning Director shall have the following powers and duties:

- (1) Administration
  - (1) Publish applications and checklists containing submission requirements for each type of approval.
  - (2) Decide the completeness of applications.
  - (3) Process applications to decision-making bodies for approvals required under this chapter.
  - (4) Establish meeting schedules and agendas for the Technical Advisory Committee, Planning Commission, Board of Appeals and other boards or commissions as necessary.
  - (5) Maintain permanent and current records made under this chapter, including, but not limited to maps, amendments, special exceptions, variances, nonconforming uses, appeals, site plans, subdivision plans, certificates, permits, licenses, and applications.
- (2) Prepare revisions from time to time of this chapter.
- (3) Decide whether amendments to plans approved by other decision making bodies are minor or require new applications.
- (4) Delegate duties and responsibilities as he determines appropriate.
- (5) Take appropriate enforcement action with regard to alleged violations of this chapter. (See Article IX.)
- (6) Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this chapter. (See Article IX.)

- (7) Decide interpretations of this chapter as they apply to specific cases. The Planning Director may request a recommendation from the Planning Commission on specific cases.
- (8) Decide applications for administrative variances and minor variances. (See Article IX.)
- (9) Decide applications for administrative and minor site plans. (See Article IX.)
- (10) Decide applications for minor subdivisions. (See Article X.)
- (11) Decide applications for waivers and extensions to certain subdivision or site plan requirements. (See Article IX.)
- (12) Nonconforming lots, structures and uses (see Article VIII):
  - (1) Confirm the legal existence of nonconforming lots, structures and uses.
  - (2) Approve minor modifications of nonconforming uses.
  - (3) Decide administrative variances and minor variances for minor expansions of nonconforming structures.
- (13) Provide public information and notice related to this chapter. Require community input meetings, if warranted, on site plans and subdivision plans. (See Article IX.)
- (14) Serve as secretary to the Short-Term Rental Review Board and decide disputes over short-term rentals that are not resolved by the Board. (See Article IX.)
- (15) Issue use certificates, licenses, permits, and time extensions for various land uses and plan approvals including temporary structures and uses, forest preservation plans, property maintenance permits, short-term rentals, bed and breakfast establishments, farm produce stands, roadside vendors, and other uses.
- (16) Review building permits and zoning certificates for consistency with this chapter.
- (17) The Planning Director shall have the right to enter upon open land to perform his duties under the terms of this chapter.

F. Short-Term Rental Review Board

The Short-Term Rental Review Board mediates and makes recommendations to involved parties to resolve disputes over short-term rentals. (See Article IX.)

G. Agricultural Resolution Board

Established by the Right to Farm ordinance, the Agricultural Resolution Board arbitrates and mediates disputes between agricultural land owners or farmers and their neighbors concerning alleged agricultural nuisances.

H. Technical Advisory Committee (TAC)

The Technical Advisory Committee is made up of government departments and agencies having review authority over development. The TAC coordinates staff level review of all subdivision and site plan applications. (See Articles IX and X.)

**Table I-1. Summary of Review, Recommendation, and Decision-Making Authority**

<b>Type of Decision</b>	<b>Planning Director</b>	<b>Planning Commission</b>	<b>Historic Preservation Commission</b>	<b>Technical Advisory Committee</b>	<b>Board of Appeals</b>	<b>County Council</b>	<b>Circuit Court</b>
<b>County Council</b>							
Growth allocation district boundary amendment	Review	Recommendation				Decision	Appeal
Growth allocation for uses in the RC District	Review	Recommendation				Decision	Appeal
Solid waste disposal site development	Review	Recommendation				Decision	Appeal
Supplemental growth allocation request	Review	Recommendation				Decision	Appeal
Zoning map amendment	Review	Recommendation				Decision	Appeal
Zoning map amendment – Historic District Overlay District	Review		Recommendation			Decision	Appeal
Zoning map amendment – Historic Rehabilitation Overlay District	Review	Recommendation	Recommendation			Decision	Appeal
Zoning text amendment	Review	Recommendation				Decision	Appeal
<b>Planning Commission</b>							
Major site plan	Recommendation	Decision	Review	Review	Appeal		
Major subdivision	Recommendation	Decision	Review	Review	Appeal		
Waiver and extension	Recommendation	Decision			Appeal		
<b>Historic Preservation Commission</b>							
Certificate of approval	Review		Decision		Appeal		
<b>Planning Director</b>							
Interpretation of zoning district boundary	Decision	Recommendation					
Amendments to applications	Decision				Appeal		
Enforcement	Decision				Appeal		
Interpretation	Decision	Recommendation, on request of Planning Director			Appeal		

Administrative site plan	Decision	Recommendation, on request of Planning Director			Appeal		
Minor site plan	Decision	Recommendation, on request of Planning Director		Review	Appeal		
Minor subdivision	Decision	Recommendation, on request of Planning Director		Review	Appeal		
Administrative variance	Decision	Recommendation			Appeal		
Minor variance – not for expansion of nonconforming structure	Decision	Recommendation			Appeal		
Minor variance for expansion of nonconforming structure	Decision	Recommendation if nonconforming to Critical Area requirement, or on request of Planning Director			Appeal		
Confirm existence of nonconforming structures and uses	Decision				Appeal		
Minor modification of nonconforming use	Decision				Appeal		
Short-term rental dispute	Decision				Appeal		
Waiver and extension	Decision				Appeal		
<b>Board of Appeals</b>							
Accommodations for the disabled	Review				Decision		Appeal
Administrative appeal	Review				Decision		Decision
Expansion of nonconforming structure	Review				Decision		Appeal
Expansion of nonconforming use	Review	Recommendation			Decision		Appeal
Special Exception	Review	Recommendation			Decision		Appeal
Variance	Review				Decision		Appeal

## **Article II    Base Zoning Districts**

### ***§ 190-13.    Rural Cluster Districts***

#### **A.     Purpose**

##### **(1)    Agricultural Conservation District – AC (Non-Critical Area only)**

The AC district is characterized by rural agricultural and low-density residential uses. This district provides a full range of agricultural activities, forestry, agri-business uses and limited single-family residential development.

##### **(2)    Countryside Preservation District – CP (Non-Critical Area only)**

The CP District is characterized by rural agricultural and low-density residential uses. This District protects the rural character of land bordering the growth areas of incorporated towns; protects farmland, forests, and open spaces, prevents sprawl and provides physical and visual boundaries to growth areas. Land within this District should be targeted for permanent protection by creation of agricultural and conservation easements; agricultural activities shall be preserved, encouraged and protected.

##### **(3)    Western Rural Conservation – WRC (Non-Critical Area only)**

The WRC District is characterized by rural agricultural and low density residential uses. This District protects the ecological, scenic and economic value of rural area in the western part of the County. Because this district contains a high proportion of sensitive natural areas, development is limited to low-density residential uses with design guidelines to protect natural resources and limited highway access. Agricultural activities shall be preserved, encourage and protected.

##### **(4)    Development in these districts shall:**

- (1)    Maintain and, wherever possible, improve the quality of runoff that enters the Chesapeake Bay and its tributary streams;**
- (2)    Conserve and protect agricultural lands and uses;**
- (3)    Protect environmentally sensitive lands; and,**
- (4)    Preserve rural character through conservation of open space and agricultural lands.**

#### **B.     Design standards for rural cluster districts**

The following design standards apply to development in the AC, CP and WRC Districts:

- (1)    Subdivisions shall be designed and the lots located in a way that preserves the agricultural and open space integrity of the remainder of the property. This standard governs location and design of all lots, whether clustered or not.**

- (2) Development shall locate lots and subdivision roads to avoid conflicts with existing farming operations through separation and preservation of existing natural buffers.
- (3) Particularly in the CP District, development should be sited to preserve the rural landscape views from County and State roads.
- (4) Residential lots and structures shall be located in the fringe edges of woodlands and fields to the fullest extent possible.
- (5) Landscapes shall be preserved in their natural state to the fullest practical extent. Tree and soil removal shall be minimized. Topography, drainageways, tree cover and other natural features shall be given priority as fixed design determinants rather than elements to be changed to follow a preferred development plan.
- (6) Areas with environmental constraints may be included to calculate density, but development shall minimize disturbance of these areas to the fullest practical extent.
- (7) Subdivision plats shall contain plat notes to notify all lot owners that:
  - (1) They have no recourse against the inherent effects of agricultural operations conducted in accordance with best management practices;
  - (2) These effects may include, but are not limited to, noise, odor, vibration, fumes, dust or glare; and
  - (3) Chapter 128, Talbot County Code, “Right to Farm” protects agricultural operations on all agricultural land in the County.
- (8) Proposed subdivisions shall include a master plan for the entire parcel or project showing conceptual proposals for future development. The master plan is nonbinding.

C. Density calculations for rural cluster districts

(1) Density

The density in the AC, CP and WRC Districts is one dwelling unit per 20 acres, based on original parcel size as of June 22, 1991, plus additional units as follows:

- (1) 6 acres or less: one dwelling unit per two acres
- (2) Over 6 acres: three dwelling units

(2) Original Parcel

The number of lots allowed to be subdivided from a parcel, lot or tract shall be based on the size of the original parcel, lot or tract as of June 22, 1991.

(3) Density calculations for subdivision of lots created after June 22, 1991

- (1) Any lot or parcel that has been, or is, subdivided from an original parcel, may be further subdivided only if the lot has additional enumerated development rights specifically granted to it by subdivision plat notation.



- (2) If the subdivision that created the lot or parcel was based on an allowed density greater than the current density, the development rights that were specifically granted to the lot by the plat shall be adjusted to reflect current density requirements through the following calculation:
  - (a) Calculate the development rights for the original parcel based on the current density requirements of this Article and the acreage of the original parcel on June 22, 1991.
  - (b) Calculate the development rights for the original parcel based on the density standard used for the prior recorded subdivision and the acreage of the original parcel on June 22, 1991.
  - (c) Divide the development rights based on current density by the development rights based on the June 22, 1991 regulations to obtain the Development Rights Factor.
  - (d) Multiply the enumerated development rights granted on the plat by the Development Rights Factor. This product equals the number of available development rights for the lot.
  - (e) No lot, parcel or tract shall be allocated less than one development right. Development rights shall be allocated in whole numbers, with fractional development rights greater than 0.50 being rounded up to the nearest whole number.
- (3) The total number of development rights permitted for the original parcel, using current density standards and the original parcel size as of June 22, 1991, shall not be exceeded through further subdivision, except as necessary to allocate at least one development right to each lot or parcel currently having development rights and to round up fractional development rights greater than 0.50.

D. Cluster subdivision requirements for the AC, CP and WRC Districts

- (1) Subdivision shall use the cluster form of development, in which most lots are clustered together on a portion or portions of the site and reserved land is consolidated suitable for farming to the fullest practical extent.
- (2) Subdivisions shall include reserved land as follows:
  - (1) For each development right utilized or allocated from an original parcel, reserved land shall be established such that the lot plus the reserved land totals at least the acreage of the original parcel divided by the total number of development rights available upon enactment of this section.
  - (2) A Reserved Land Agreement as described in Article X shall be recorded for each area or parcel of reserved land created.
- (3) The clustering requirements and number of development rights in the AC, CP and WRC Districts are:

**Table II-1. Cluster requirements**

Parcel size (acres)	Maximum number of lots, including remainder of original parcel	Minimum number of clustered lots	Maximum acreage included in the cluster lots	Number of lots not required to cluster
Less than 4 acres	1	n/a	n/a	n/a
At least 4 and less than 6	2	n/a	n/a	n/a
At least 6 and less than 20	3	2	7	1
At least 20 and less than 40	4	2	7	2
At least 40 and less than 60	5	3	11	2
At least 60 and less than 80	6	3	11	3
At least 80 and less than 100	7	4	14	3
100 or more	3 plus one lot per 20 acres	All except 3 lots	Acreage equal to 3.5 acres times the number of cluster lots	3

**E. Lot Size, Setbacks and Lot Width**

The following requirements apply in the AC, CP and WRC Districts:

- (1) Minimum lot size 1.0 acre
- (2) Minimum setbacks
  - (1) Lots 2 acres or larger:
 

Front	50 feet
Side	50 feet
Rear	50 feet
  - (2) Lots at least 1 but less than 2 acres
 

Front	50 feet
Side	15 feet
Rear	25 feet
  - (3) Lots less than 1 acre
 

Front	25 feet
Side	10 feet

Rear 25 feet

- (4) See §190-114 for supplemental setback requirements.
- (5) If a lot line extends to the centerline of a street or road, the setback shall be measured from the nearest edge of the road right-of-way or road easement. For structures nonconforming to required setbacks, see nonconforming structure provisions of Article VIII.

(3) Minimum lot width

- (1) Lots 2 acres or larger: 200 feet
- (2) Lots at least 1 but less than 2 acres 100 feet

F. Lot coverage

- (1) In the WRC District, lot coverage shall not exceed the following:

**Table II-2. Lot Coverage in WRC**

Date of lot creation	Lot Size	Maximum lot coverage
Lots created on or before June 22, 1991	½ acre or less	25 percent of lot area
	Larger than ½ acre and less than one acre	20 percent of lot area
	One acre or larger	15 percent of lot area
Lots created after June 22, 1991	All lots	15 percent of lot area

- (2) Lots with documentation that lot coverage greater than these limits existed on or prior to June 22, 1991, may maintain the coverage that existed as of June 22, 1991. If lot coverage is reduced, the lower percentage shall be retained.

***§ 190-14. Residential, Village Center and other Rural Districts***

A. Purpose

- (1) Rural Conservation District – RC (Critical Area only)

- (1) The RC district is characterized by natural environments (wetlands, forests, or abandoned fields) and resource development activities (agriculture, forestry, fisheries, or aquaculture). This district conserves the irreplaceable agricultural, forested, and natural environmental character of the County. Agricultural activities shall be preserved, encouraged and protected. Development activities are to be in the form of large lots or clustered lots outside of habitat protection areas, without public water or sewer service.

- (2) Development in this district shall:
  - (a) Maintain and, wherever possible, improve the quality of runoff that enters the Chesapeake Bay and its tributary streams;
  - (b) Conserve and protect agricultural lands and uses;
  - (c) Protect environmentally sensitive lands;
  - (d) Preserve rural character through conservation of open space and agricultural lands.

(2) Rural Residential District – RR

- (1) This district shall be characterized by low-intensity residential uses. The purpose of this district is to protect the environment and preserve natural resources in the rural areas of the County while allowing a limited degree of residential development. Development is to be in the form of large lots or clustered lots outside of habitat protection areas, generally without public water or sewer service.
- (2) Development in this district shall:
  - (a) Maintain and, whenever possible, improve the quality of runoff that enters the Chesapeake Bay and its tributary streams;
  - (b) Maintain, to the extent practical, existing areas of natural habitat; and
  - (c) Accommodate low-intensity residential development that conforms to the water quality and habitat protection criteria in this chapter.

(3) Town Conservation District - TC

- (1) The TC District shall be characterized by agricultural and low-density residential uses. This district protects the rural character of land within designated growth areas around incorporated towns, prevents sprawl, preserves the character and identity of towns, and preserves the opportunity for orderly, well-planned, future growth of these areas through re-subdivision and re-development after annexation into the towns.
- (2) Development in this district shall:
  - (a) Maintain and, whenever possible, improve the quality of runoff that enters the Chesapeake Bay and its tributary streams;
  - (b) Conserve and protect agricultural lands and uses; and
  - (c) Protect environmentally sensitive lands from nonagricultural forms of development.

(4) Town Residential District - TR

- (1) The TR District is characterized by existing moderate-intensity residential uses. This district recognizes existing residential neighborhoods near

incorporated towns, and allows compatible infill development while preserving existing natural habitat wherever possible. Public water and sewer service should be provided.

(2) Development in this district shall:

- (a) Maintain, and, whenever possible, improve the quality of runoff that enters the Chesapeake Bay and its tributary streams;
- (b) Accommodate additional residential development, provided that water quality is not impaired;
- (c) Conserve and enhance fish, wildlife, and plant habitats to the extent possible; and
- (d) Encourage retrofitting to address existing stormwater management problems.

(5) Village Center District - VC

- (1) The VC District is characterized by low- or moderate-intensity residential and commercial uses. This district is intended to provide opportunity for a mixture of residential, commercial, and maritime/agricultural service uses at existing centers of development in rural areas of the County. These commercial uses shall be oriented toward serving the residents of the village and its vicinity. Development is directed to this district, so that the environment and the natural resources in the rural areas of the County are protected and preserved. These districts may have public water and/or sewer service.

(2) Development in this district shall:

- (a) Maintain, and, whenever possible, improve the quality of runoff and groundwater entering the Chesapeake Bay and its tributaries;
- (b) Maintain, to the extent practical, existing areas of natural habitat; and
- (c) Accommodate additional low- or moderate-intensity residential and commercial development if such development conforms to the water quality and habitat protection criteria in this chapter.

B. Density and Bulk Requirements for the RC, RR, TC, TR and VC Districts

**Table II-3. RC, RR, TC, TR and VC Districts**

	RC District	RR District	TC District	TR District	VC District
<b>Maximum density (based on size of original parcel)</b>					
Without sewer service	1 du/20 acres; 1 du/5 acres for receiving areas in joint subdivision	1 du/5 acres	One du/ 20 acres, plus additional units as follows: 6 acres or less: one du/two acres Over 6 acres: three du's	1 du/acre	1 du/acre
With public or shared sewer service	N.A.	N.A.	N.A.	4 du/acre	4 du/acre
<b>Minimum lot size</b>					
Without sewer service	2 acres	2 acres	1 acre	1 acre	1 acre
With public or shared sewer service	N.A.	N.A.	N.A.	10,000 square feet	10,000 square feet
<b>Minimum lot width</b>					
Lots two acres or larger	200 feet	200 feet	200 feet	100 feet	100 feet
Lots at least one acre and less than 2 acres	200 feet	200 feet	100 feet	100 feet	100 feet
Lots smaller than one acre	N.A.	200 feet	100 feet	75 feet	75 feet
<b>Minimum setbacks: lots 2 acres or larger</b>					
Front	50 feet	50 feet	50 feet	50 feet	50 feet
Rear	50 feet	50 feet	50 feet	25 feet	25 feet
Side	50 feet	50 feet	50 feet	15 feet	15 feet
<b>Minimum setbacks: lots at least one acre and smaller than 2 acres</b>					
Front	50 feet	50 feet	50 feet	50 feet	50 feet
Rear	25 feet	25 feet	25 feet	25 feet	25 feet
Side	25 feet	25 feet	25 feet	15 feet	15 feet
<b>Minimum setbacks: lots smaller than one acre</b>					
Front	50 feet	25 feet	25 feet	25 feet	25 feet
Rear	25 feet	25 feet	25 feet	25 feet	25 feet
Side	25 feet	10 feet	10 feet	10 feet	10 feet

C. Setback measured from right-of-way

If a lot includes a street or road, the setback shall be measured from the edge of the road right-of-way or road easement. For structures nonconforming to required setbacks, see nonconforming structure provisions of Article VIII.

D. Other setback requirements

See §190-114 for supplemental setback requirements. See §190-139 for the Shoreline Development Buffer requirements in the Critical Area.

E. Density calculations for the RC District

(1) Density

The density in the RC District is one dwelling unit per 20 acres.

(2) Original Parcel

In the RC District the number of lots allowed to be subdivided from a parcel, lot or tract shall be based on the size of the original parcel, lot or tract as of August 13, 1989.

(3) Density calculations for subdivision of lots created after August 13, 1989.

(1) Any lot or parcel that has been, or is, subdivided from an original parcel may be further subdivided only if the lot has additional enumerated development rights specifically granted to it by subdivision plat notation.

(2) The total number of development rights permitted for the original parcel, using current density standards and the original parcel size as of August 13, 1989, shall not be exceeded through further subdivision, except as necessary to allocate at least one development right to each lot or parcel currently having development rights.

(4) Any revision approved after August 13, 1989 to the acreage of any parcel, lot or tract may not be used to calculate or result in an increase in density.

(5) In calculating density for a parcel located within the Rural Conservation District, the area of privately-owned tidal wetlands located on the property may be included, subject to the following conditions:

(1) The density of development on the upland portion of the parcel shall not exceed one dwelling unit per eight acres; and

(2) The area of wetlands shall be estimated on the basis of vegetative information on the state wetland maps, or as otherwise established by on-site delineation.

F. Design standards and density calculations for the Town Conservation District

(1) Design standards

The standards for development in the AC, CP and WRC District, as stated in §190-13.B, apply to development in the TC District.

(2) Original Parcel

The number of lots allowed to be subdivided from a parcel, lot or tract shall be based on the size of the original parcel, lot or tract as of June 22, 1991.

(3) Density calculations for further subdivision of lots created after June 22, 1991

- (1) Any lot or parcel that has been, or is, subdivided from an original parcel, may be further subdivided only if the lot has additional enumerated development rights specifically granted to it by deed and subdivision plat notation.
- (2) If the subdivision that created the lot or parcel was based on an allowed density greater than the density currently allowed, the development rights granted to the lot by the plat shall be adjusted to reflect current density requirements using the method of calculation established in §190-13.C(3) for the AC, CP and WRC Districts.

G. Lot size requirements

(1) Rural Conservation District - RC (Critical Area only)

- (1) Subdivisions in the RC District shall consist of lots that are either:
  - (a) Five acres or smaller, or,
  - (b) 20 acres or larger.
- (2) The required lot sizes noted above may be decreased or increased through a waiver petition approved by the Planning Commission, if the Planning Commission finds that a lot size between 5 and 20 acres will result in a better design for the particular subdivision or revision, or is necessary due to the physical constraints of the tract of land.

(2) Rural Residential District - RR (Critical Area only).

Subdivisions in the RR District shall have a maximum average lot size of 5 acres.

(3) Town Residential District - TR

- (1) Subdivisions in the TR District shall have a maximum average lot size of 2 acres.
- (2) The average lot size may be increased through a waiver petition approved by the Planning Commission, if the Planning Commission finds that a larger average lot size for the particular subdivision will result in a better design or is necessary due to the physical constraints of the tract of land.

(4) Village Center District - VC

- (1) Subdivisions in the VC District shall have a maximum average lot size of 2 acres.



- (2) The average lot size may be increased through a waiver petition approved by the Planning Commission, if the Planning Commission finds that a larger average lot size for the particular subdivision will result in a better design or is necessary due to the physical constraints of the tract of land.

H. Clustering requirements for Critical Area subdivisions

The following standards apply to subdivisions within the Critical Area in the RC, RR and TR Districts.

- (1) Lots that are five acres or smaller shall be clustered.
- (2) In clustering lots, the following priorities shall be observed:
  - (1) Minimize alteration to habitat protection areas described in the project's Habitat Protection Plan;
  - (2) Minimize development activities on land that has been used for agricultural purposes within the two years prior to the subdivision request.

I. Joint subdivisions and intrafamily transfers in the RC District

- (1) RC District density transfer (joint subdivision)
  - (1) A joint subdivision shall permit the transfer of development rights from a sending parcel in the RC District to a receiving parcel also in the RC District.
  - (2) Joint subdivisions shall be processed and approved in the same manner as other subdivisions.
  - (3) The sending area must be located within one of the following areas, excluding portions of these areas that are within 500 feet (measured landward) of shoreline with an erosion rate of at least two feet per year and adjacent shoreline within 100 feet on both sides:
    - (a) Plant and wildlife habitat areas,
    - (b) Drainage basins of anadromous fish propagation waters, or
    - (c) Natural park or recreation open space sites.
  - (4) The receiving area must be located within 500 feet (measured landward) of shoreline with an erosion rate of at least two feet per year, including adjacent shoreline within 100 feet on both sides.
  - (5) The maximum density on the receiving parcel, including both preexisting development rights and transferred development rights, is one dwelling unit per five acres. The total area of the receiving parcel(s) is used for calculating the one-dwelling-unit-per-five-acre density.
  - (6) Dwelling units erected on the receiving parcel(s) by reason of the transferred development rights must be placed within 500 feet, measured landward, from the shoreline with an erosion rate of at least two feet per year, including adjacent shoreline within 100 feet on both sides.

- (7) The joint subdivision approval shall be conditioned upon satisfactory arrangements for the protection of the eroding shoreline on the receiving parcel, and permanent protection of at least 20 acres of property in the sending area for each development right transferred to receiving parcel(s).
- (8) The protection from future development of acreage in the sending area shall be accomplished through recordation of a Reserved Land Agreement or Reservation of Development Rights as deemed appropriate by the Planning Director.

(2) Intrafamily transfers in the RC District.

Notwithstanding the density limits established in this section, the owner of a lot as of March 1, 1989, located in the RC District may subdivide the lot by means of a bona fide intrafamily transfer subject to the following limits:

- (1) A parcel that is at least seven acres and less than 12 acres may be subdivided into not more than two lots, with the newly created lot subject to the intrafamily transfer restrictions established in this section.
- (2) A parcel that is at least 12 acres and less than 40 acres in size may be subdivided into not more than three lots, with the two newly created lots subject to the intrafamily transfer restrictions established in this section. The lots may be created at different times.
- (3) A lot created by means of an intrafamily transfer may be transferred only to a member of the owner's immediate family for the purpose of establishing a residence for that family member. For the purposes of this section, "immediate family" means a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter who has attained the age of 21 years.
- (4) Only the recipient of a lot created through an intrafamily transfer may request a building permit for a structure on a lot created through this process. The building permit application for a primary residential structure must be filed with the final subdivision plat creating the lot. The residential structure must be completed within 18 months of the permit approval. A single extension of this time period, not to exceed 18 months, may be granted by the Planning Commission.
- (5) A lot created through intrafamily transfer shall not be rented or leased to any party except for a member of the owner's immediate family; shall not be further subdivided; and is not eligible for joint subdivision.
- (6) A lot created through intrafamily transfer shall not be conveyed subsequently to any person other than a member of the owner's immediate family (except for a conveyance to a third party as security for a mortgage or deed of trust and except for a conveyance resulting from Court proceedings, including bankruptcy, divorce, mental competency, probate, foreclosure, etc., or from the disposition of a will). A variance from this

limitation may be obtained from the Board of Appeals with the applicant showing that:

- (a) The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel for the purpose of ultimate commercial sale; and
  - (b) A change in circumstances has occurred since the original transfer was made that is not inconsistent with this section and warrants an exception. Changes in circumstances include situations where the intrafamily transfer recipient has not resided in the County for five years prior to application for a variance or suffers significant financial hardship. The Board may define such hardship as being unable to meet all financial obligations for the preceding six months.
- (7) Any deed for a lot created by intrafamily transfer shall contain a covenant stating that the lot is created subject to the provisions of this section.
  - (8) The restrictions in paragraphs (c) through (g) above apply only to the lots created pursuant to the intra-family transfer provisions and not to the remaining land or to lots not created through intra-family transfer.
  - (9) The remaining portion of the original parcel shall not be conveyed to a different owner until the primary residential structures on lots created through intra-family transfer have been completed and occupied.

***§ 190-15. Commercial and Industrial Districts***

**A. Purpose**

**(1) Limited Commercial District - LC**

- (1) This district shall be characterized by low-intensity commercial uses. The LC District provides opportunity for commercial and office development serving local clients.
- (2) Development in this district shall accommodate additional commercial development, if:
  - (a) This development conforms to water quality and habitat protection criteria; and,
  - (b) The overall intensity of development within the LC District is not increased beyond the level established in a particular area so as to change its prevailing character as identified by current densities and land uses.

**(2) General Commercial District - GC.**

This district shall be characterized by moderate-intensity commercial uses. The GC district provides opportunity for a broad range of commercial activities including retail, wholesale, storage, and contracting activities.

**(3) Limited Industrial District - LI.**

This district shall be characterized by low-intensity manufacturing uses. The LI District provides opportunity for light industrial/office-research uses that provide employment and services to local residents and businesses. Development in this district shall not create nuisances due to odor, dust, fumes, heat, fire, glare, vibrations, noise, air or water pollution or other hazardous conditions.

(4) Development in these districts shall:

- (1) Maintain and, if possible, improve the quality of runoff that enters the Chesapeake Bay or its tributary streams;
- (2) Accommodate additional development, provided that water quality is not impaired;
- (3) Conserve and enhance fish, wildlife, and plant habitats to the extent possible;
- (4) Encourage retrofitting to address existing stormwater management problems; and
- (5) Not create nuisances due to odor, dust, fumes, heat, fire, glare, vibrations, noise, other hazardous conditions, or air or water pollution.

B. Bulk standards for commercial and industrial districts

**Table II-4. Commercial and Industrial Districts**

	LC District	GC District	LI District
(1) Minimum lot size	20,000 square feet	20,000 square feet	1 acre
(2) Minimum setbacks:			
(a) From front lot line	50 feet	50 feet	25 feet
(b) From side lot line	10 feet from LC, GC and LI districts 25 feet from all other zoning districts	10 feet from LC, GC and LI districts 25 feet from all other zoning districts	10 feet from LC, GC and LI districts 25 feet from all other zoning districts
(c) From rear lot line	10 feet from LC, GC and LI districts 25 feet from all other zoning districts	10 feet from LC, GC and LI districts 25 feet from all other zoning districts	10 feet from LC, GC and LI districts 25 feet from all other zoning districts
(3) Maximum site coverage for all buildings and uses, not including parking areas and access drives:			
(a) Outside Critical Area	25 percent	25 percent	25 percent
(b) Within Critical Area	See Critical Area lot coverage limits	See Critical Area lot coverage limits	See Critical Area lot coverage limits

C. Setback measured from right-of-way

If a lot line extends to the centerline of a street or road, the setback shall be measured from the nearest edge of the road right-of-way or road easement. For structures nonconforming to required setbacks, see nonconforming structure provisions of Article VIII.

D. Other setback requirements

See §190-114 for supplemental setback requirements. See §190-139 for the Shoreline Development Buffer requirements in the Critical Area.